

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Marlon Bowles

Plaintiff,

v.

Case No.: 1:20-cv-07413

Honorable Martha M. Pacold

AbbVie, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, April 29, 2021:

MINUTE entry before the Honorable Martha M. Pacold: Plaintiff's motion to file a second amended complaint [29] is granted. Federal Rule of Civil Procedure 15(a)(2) states that "[t]he court should freely give leave when justice so requires." "The Supreme Court has interpreted this rule to require a district court to allow amendment unless there is a good reason—futility, undue delay, undue prejudice, or bad faith—for denying leave to amend." *Life Plans, Inc. v. Sec. Life of Denver Ins. Co.*, 800 F.3d 343, 357–58 (7th Cir. 2015). This is the first time Plaintiff has requested leave to amend (the prior amendment [17] being as of right), there is no evidence of undue delay, and Defendant AbbVie does not explain how the proposed amendment would prejudice it beyond the ordinary costs associated with filing a second motion to dismiss. See *Stromsen v. Aluma Shield Indus., Inc.*, No. 89–cv–5036, 1991 WL 44288, at *2 (N.D. Ill. Mar. 27, 1991) (ordinarily "costs having to deal with new claims and motions to dismiss are not 'undue prejudice'") (quoting *UNR Industries, Inc. v. Continental Insurance Co.*, 623 F. Supp. 1319, 1325 (N.D. Ill. 1985)). In addition, the second amended complaint is not futile because, at a minimum, it addresses the jurisdictional deficiencies identified by the court in the minute order entered on March 18, 2021 [25]. By 5/3/2021, Plaintiff must file its second amended complaint separately on the docket. AbbVie's pending motion to dismiss [23] is denied as moot, without prejudice to AbbVie's ability to renew its arguments in a motion directed to the second amended complaint. (rao,)

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